APPENDIX

APPENDIX

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

No. 69-1020-Civ-CA

August 29, 1969

ORDER APPROVING INTERIM DESEGREGATION PLAN FOR DADE COUNTY PUBLIC SCHOOLS

In 1956, following the landmark school integration cases of *Brown v. Board of Education*, 347 U.S. 483 (1954) and 349 U.S. 294 (1955), a lawsuit was filed in the United States District Court in the Southern District of Florida. The case was styled *Gibson v. Dade County School Board* and sought to effect the integration of the Dade County schools. On March 17, 1960 United States District Judge Joseph P. Lieb entered an order providing for the implementation of a freedom of choice plan in the schools. This order also stated

> "It is further ORDERED, ADJUDGED AND DECREED that the Court retains jurisdiction of this cause for such time as may be necessary to put the plan herein provided into operation and for determination as to whether further proceedings are necessary."

From the time of the entry of this order to the present this case has lain dormant. In the interim the integration of the Dade County School System has proceeded at a moderate rate. At the close of the 1968-69 school year

there were 42 all negro schools in the system out of a total of 217 schools. On July 1, 1969 the Department of Health, Education & Welfare, charged by Congress in Title 42 U.S.C. §2000 with administering federal funds to aid public education and to assist in the process of desegregating public schools, notified the Dade County School System that it was not in substantial compliance with Title VI of the 1954 Civil Rights Act which concerns desegregation. At the time of the notification HEW stated:

> "It is expected that the Dade School System will develop and implement a plan which will eliminate the duel school structure in the system by no later than September 1970 and that those steps toward that end which are administratively feasible will be taken by September 1969."

In accordance with this direction the school board obtained the services of the Florida School Desegregation Consulting Center, a federally funded center at the University of Miami. The Center studied the Dade System for approximately one month and on July 23, 1969 submitted an Interim Desegregation Plan for the 1969-70 school year. The School Board approved this plan on July 25 with two changes. They rejected the recommendation that there be pairing of two groups of elementary schools in South Dade County and they eliminated the all black Mays Junior-Senior High School. The revised interim plan was approved by HEW on August 4 pending receipt of a final plan by February 1, 1970.

At this point the school system began making preparations to operate under the revised interim plan for the

1969-70 school year. Certain portions of the plan met with public opposition as did certain steps taken to implement the plan. This opposition culminated in the filing of several lawsuits in the Eleventh Judicial Circuit of the State of Florida. The various plaintiffs were the parents of school children in the Dade System and the defend nts were uniformly the Dade County School Board. The first of these suits attacked the Board's action with regard to the elimination of the all black Mays school. It is styled *Pate v. Dade County School Board.* The Board's action was alleged to be arbitrary and capricious and also as taken in violation of Florida Statute 286.011, known as the "government in the sunshine law." This law requires that any official action taken by an agency of the State of Florida be taken in public proceedings and that a written record of such proceedings be made. The School Board petitioned this Court for removal of the Pate case on August 25, 1969, alleging that the case was one of exclusive federal jurisdiction. At 8:30 a.m. on August 27, the court heard a motion to remand and under the doctrine of *England v. Louisiana State Board of Medical Examiners,* 375 U.S. 411 (1963) remitted the case to the State Court for determination of state law issues and retained jurisdiction of the case for determination of any federal questions. At 9:00 p.m. on August 27, Circuit Judge David Popper entered a temporary injunction restraining the School Board from implementing its plan of July 25 as it related to Mays School. The basis of the injunction was Judge Popper's finding that the "government in the sunshine law" had been violated and that the action of the school Board in regard to Mays was void. The effect of this ruling was to require Mays to open as an all black school for the school year 1969-70.

At 3:30 p.m. on August 27, the Court considered the request of the School Board that the Court exercise jurisdiction in the Pate case. Based on the effect of the State Court's ruling, which negated the immediate elimination of an all black school, this Court accepted jurisdiction. Other factors which dictated the exercise of jurisdiction were the issuance of another injunction negating a separate portion of the Board plan and the fact that eventually under the State Court ruling, all action taken by the Board on July 25, when the plan was approved, would be held void as being in violation of the sunshine law. The State Court injunctions, of course, ran only in favor of the particular plaintiffs before that court. The foreseeable result was that after sufficient plaintiffs came before the State Court the entire plan would be voided. The voiding of an interim plan providing for more integration is unquestionably a question for the Federal Courts. Finally, reiterating the last order in Gibson — This Court retained jurisdiction over the Dade County School System for the purposes of supervising its desegregation.[1]

The case of *Pardo v. Dade County School Board* has been removed from the State Court to this Court. The case of *Frank v. Dade County School Board* has been filed in this Court. Both of these cases concern attacks on aspects of the interim plan and it is ORDERED that they be consolidated with the *Pate* case in accordance with oral rulings made this morning. It is further ordered that petitions to intervene on the side of the plaintiffs filed by *Webb, et al., Rosen, et al., Wolff, et al., Eagle, et al,* and

[1]By virtue of the order of the Acting Chief Judge of the Southern District of Florida, William O. Mehrtens, the case of *Gibson v. Board of Public Instruction of Dade County, Florida* is transferred to this division and consolidated with the case of *Pate v. Dade County School Board* presently in this division.

Reiter, et al., as parents of children attending Dade public schools are all granted. IT IS FURTHER ORDERED that petitions to intervene on the side of the defendants filed by the *Dade County Classroom Teachers Association* and *Love, et al.*, are granted.

At this point, after two days of testimony and argument, eighty-four hours before the seventh largest school system in the United States is due to open, this Court must approve a desegregation plan under which this system is to be operated for the 1969-70 school year. This plan must be formulated in accordance with the Constitutional standards delineated by the Supreme Court and the Fifth Circuit Court of Appeals. In devising such a plan the Court is confronted with a dilemma. It is clear from *Green v. County School Board of New Kent County, Virginia*, 391 U. S. 430 (1968), the most recent *United States of America v. Jefferson County Board of Education, et al.*, ____ F.2d ____, (No. 27444, June 26, 1969, 5th Cir.) decision, and numerous other Fifth Circuit decisions that the time for desegregation is now, that delays are no longer tolerable. The case of *Adams v. Mathews*, 403 F.2d 181 (5th Cir. 1968) clearly states "if in a school district there are still all-Negro schools . . . the existing plan fails to meet constitutional standards as established in Green." The only comprehensive plan before the Court is the previously discussed School Board Interim Plan for the school year 1969-70. Regrettably, this plan contemplates the operation of 38 all-black schools. Regardless of HEW's approval the plan does not meet Constitutional standards. The Court gave careful consideration to the alternative plans but their implementation, if Constitutional, was not feasible and would impair the operation of the Interim Plan.

At this eleventh hour a balance must be struck. To require immediate desegregation of all schools in Dade County would result in chaos. It is therefore the order of this Court that the Interim Plan for desegregation approved by the Dade County School Board at its July 25th meeting for the 1969-70 school year is, in all respects, adopted and approved by this Court. *United States of America v. The Board of Education of Baldwin County, Georgia, et al.*, ___ F.2d ___ (No. 27281, 5th Cir., July 9, 1969). This plan now being the order of this Court all persons are enjoined from attack upon or interference in any way with the operation of such except by appellate review. The School Board is directed to furnish to this Court within 30 days the results of a study delineating the administrative feasibility of total disestablishment of a dual school system at the elementary and junior high levels at the beginning of the second semester of the 1969-70 school year. Such study shall also include the following criteria:

(1) maximum utilization of school buildings;

(2) density of population;

(3) proximity of pupils to schools;

(4) natural boundaries; and

(5) welfare of students.

Henry v. Clarksdale Municipal Separate School District, et al., ___ F.2d ___, (No. 23255, 5th Cir., March 6, 1969).

The Board is also directed to furnish by March 1, 1970 a plan to eliminate the dual school structure in grades 10-12 by no later than September 1, 1970. The Court ap-

proves the collaboration of the School Board with the Florida Desegregation Consulting Center and the United States Department of Health, Education and Welfare and directs that the continuing cooperation of these agencies be sought in complying with the Court's order.

The Court retains jurisdiction of this cause for the entry of such further orders that may be necessary.

ENTERED this 29th day of August, 1969 at 6:00 p.m. at Miami, Florida.

/s/ C. CLYDE ATKINS

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

No. 69-1020-Civ-CA

December 10, 1969

SUPPLEMENT TO AND MODIFICATION OF ORDER ENTERED AUGUST 29, 1969

Filed December 10, 1969.

Since entry on August 29, 1969 of this Court's Order Approving the Interim Desegregation Plan for Dade County Public Schools, two decisions have been rendered by superior courts which materially affect the prospective provisions of that Order.

The first of these is *Alexander v. Holmes County Board of Education*, __ U.S. __, 90 S.Ct. __, 24 L.Ed. 2d 19 (October 29, 1969). That decision supervened all existing authority to the contrary. It sent the doctrine of deliberate s[illegible]d to its final resting place. 24 L.Ed.2d at 21.

The other decision is *En Banc School Cases*, __ F.2d __, (5th Cir., 1969) [Nos. 26285 and 12 others, slip opinion dated December 1, 1969] which strives to implement the command of the Alexander case. From this opinion this Court receives its instructions concerning the Dade County School System.

The district Court shall enter its final order not later than February 1, 1970 requiring and setting out the details of a plan designed to ac-

complish a unitary system of pupil attendance with the start of the Fall 1970 school term. *Id* at 11.

The court has concluded that two-step plans are to be implemented. One step must be accomplished not later than February 1, 1970 and it will include all steps necessary to conversion to a unitary system save the merger of student bodies into unitary systems. The student body merger will constitute the second step and must be accomplished not later than the beginning of the fall term 1970. *Id.*

Accordingly, the Dade County School Board is directed to take the following action, to the extent that such steps are applicable, not later than February 1, 1970:

DESEGREGATION OF FACULTY AND OTHER STAFF

The School Board shall announce and implement the following policies:

1. Effective not later than February 1, 1970, the principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969-70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each

school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

2. Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable non-discriminatory standards from among all the staff of the school district. In addition if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of non-racial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any assignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously; (2) which requires a lesser degree of skill than did the assignment he held previously; or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

MAJORITY TO MINORITY TRANSFER POLICY

The school district shall permit a student attending a school in which his race is in the majority to choose to attend another school, where space is available, and where his race is in the minority.

TRANSPORTATION

The transportation system, in those school districts having transportation systems, shall be completely reexamined regularly by the superintendent, his staff, and the school board. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis.

SCHOOL CONSTRUCTION AND SITE SELECTION

All school construction, school consolidation, and site selection (including the location of any temporary classrooms) in the system shall be done in a manner which will prevent the recurrence of the dual school structure once this desegregation plan is implemented.

ATTENDANCE OUTSIDE SYSTEM OF RESIDENCE

If the school district grants transfers to students living in the district for their attendance at public schools outside the district, or if it permits transfer into the district of students who live outside the district, it shall do so on a non-discriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.

See *United States v. Hinds County, supra,* decided November 6, 1969. The orders there embrace these same requirements.

The Board shall file with this Court by January 13, 1970, a plan showing its intended compliance with the action contemplated in *En Banc School Cases, supra.* Objections, if any, to such plan and any alternate plans shall be filed by January 20. Hearing on these objections and alternate plans, if any, will be had at 9:00 a.m. Friday, January 23, 1970, in Courtroom 314. The Board likewise shall include the details of such action, as may be modified following the hearing on January 23, in the final plan for elimination of a dual school system to be filed with the Office of Education (HEW) and this Court by February 1, 1970.

To the extent that the prospective provisions of the Order entered August 29, 1969 are inconsistent with this Order, the former are modified.

ENTERED this 10th day of December, 1969.

/s/ C. CLYDE ATKINS

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

No. 69-1020-Civ-CA

Jan. 8, 1970

ORDER ON MOTION FOR CLARIFICATION

Because of the time impingements, this order is entered without notice or argument of counsel.

The *Singleton En Banc* decision requires that, effective February 1, 1970, "the ratio of Negro to White teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system."

I have heretofore approved the application of the teacher ratio on the basis of the ratios at each of the three levels of education, viz. elementary, junior high and senior high, because of certification requirement and availability.

The Final Staff Desegregation Plan of the Florida School Desegregation Consulting Center, dated January 7, 1970 follows implicitly the ratio of black to white teachers at the aforementioned three levels, viz. 24% black — 76% white in the elementary schools, 21% black — 79% white in the junior high schools, and 12.2% black — 87.8% white in the senior high schools.

The Dade County School Board has proposed modification of this plan in some respects so that, generally,

there is a greater ratio of black to white teachers in predominantly black schools than in predominantly white schools.

I have no choice but to follow the *Singleton* mandate as closely as may be practicable. Accordingly, the Motion for Clarification is granted in that it is suggested the Board submit a plan adhering to the recommendations of the Desegregation Center to the extent that teachers are available at the respective levels. In the event teachers are not available, permissible variations should be allowed.

This interim order and the plan to be submitted are subject to the objections and hearing thereon as provided in the order entered December 10, 1969.

ENTERED this 8th day of January, 1970 at Miami, Florida.

C. CLYDE ATKINS

United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

No. 69-1020-Civ-CA

Jan. 15, 1970

MOTION TO AMEND ORDER

ALICE LOVE, CARSWELL WASHINGTON, MARGARET WASHINGTON, by and through their undersigned attorneys, move the Court to amend its Supplement to and Modification of Order entered August 29, 1969, which supplement was dated December 10, 1969, and to require the Dade County School Board to effectuate a unitary school system by February 1, 1970.

Dated this 15th day of January, 1970.

MATTHEWS, BRAYNON & MAPP
Attorneys for Plaintiffs

By: /s/ JAMES W. MATTHEWS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

No. 69-1020-Civ-CA

Jan. 20, 1970

MEMORANDUM IN SUPPORT OF MOTION TO AMEND ORDER AND ACCELERATE PUPIL DESEGREGATION

In this winter of the Negro's discontent, the unfinished business of the Emancipation Proclamation is glaringly apparent. In the year of the 107th anniversary of the Proclamation, America as then, is again at the turning of the fork. Americans are grappling with the dragon seed of "slavery". Again, as in the 1800's, we are face to face with the ancient truth: a house divided against itself cannot stand. Now is the time for dedication to the unfinished business of eradicating segregation and discrimination from every facet of American life.

Intervenors, however, seek not by their motion, to gain full and equal rights as any other American citizen, nor even to make the promise of democracy and equality of opportunity real for themselves, but only to protect their children against the moral dry rot of tokenism, moderation, evasiveness, denial and doubletalk of the respectable and gentle people of prejudice. Those who demand this now, February 1, 1970, having been denied since May 17, 1954, cannot be rationally criticized as impatient, hysterical extremists.

The *Brown vs. Board of Education*, 374 U.S. 483, 74 S.Ct. 686 decision decided May 17, 1954 was, at that time, considered a repudiation of the moral mockery of *Plessy vs. Ferguson*, 163 U.S. 537, 16 S.Ct. 1138 (1896), and stated in simple, eloquent, and unequivocal terms that racial segregation was a violation of the letter and spirit of the American Constitution.

The clarity of the May 17, 1954 decision was followed by the ambiguity of the May 31, 1955 "deliberate speed" implementation decision. (*Brown vs. Board of Education*, 349 U.S. 294, 75 S.Ct. 753). This latter decision reflected the attempt on the part of the court to speak reasonably to allegedly reasonable men on the method of orderly transition. The crucial mistake was the fact that many of those in control of the political system who maintained political and economic power based upon a system of racial segregation were not reasonable men. The "deliberate speed" decree was interpreted by them as an invitation to evasion and indefinite postponement.

In light of the Supreme Court's January 14, 1970 decision in *Carter, et al., vs. W. Feliciano Parish, et al.*, Dade's Board of Public Instruction cannot continue its pattern of perfunctory verbalization against racial discrimination while actually accepting or abetting it. Nor can it remain fully comfortable in offering complicated, tortured, and "objective" rationalizations for the inevitability or continuation of racial injustices in the school system.

Any arguments predicated upon the size, uniqueness, hardship or cost as a consequence of a "now" order, may be infinitesimal when compared to the consequences of a

"not now" order. Though violence has been totally rejected by responsible Negro Americans as a technique to advance the cause of equal opportunity, this does not mean that his demands for his rights will be reduced because of fear of violence. They have adjusted and become accustomed to the chronic and stagnant death of humiliation and despair. There remains the danger that the deep bitterness and despair, if exacerbated by procrastination, intellectual cynicism, and political slicksterism, will excite in them a desperation and lawless defiance executed with a sincere belief that they, but only more crudely, follow in the footsteps of the State's chief political leaders.

The view from the bottom of the world is as important as the view from the top, so says Intervenors, ALICE LOVE, CARSWELL WASHINGTON, MARGARET WASHINGTON and all of the class, known and unknown, born and unborn, whom they represent, and who knows, but that on the lower frequencies they speak for you - DADE - FLORIDA - AMERICA.

WHEREFORE THEY PRAY.

Respectfully submitted this 20th day of January, 1970.

By: /s/ JAMES W. MATTHEWS

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

No. 69-1020-Civ-CA

Jan. 26, 1970

ORDER APPROVING TEACHER INTEGRATION PLAN AND DENYING MOTION BY INTERVENORS FOR IMMEDIATE PUPIL INTEGRATION

The background of this case is set forth in orders issued on August 29 and December 10, 1969. The former order approved the operation of the Dade County School Board under an interim integration plan endorsed by the Department of Health, Education and Welfare. The latter order implemented the opinion of the Fifth Circuit Court of Appeals in *En Banc School Cases*, __ F.2d__ (5th Cir., 1969) [Nos. 26285 and 12 others, slip opinion dated December 1, 1969] (hereinafter *Singleton*). The Dade County School Board was directed to submit a plan for full integration of the Dade County School System's instructional staff by February 1, 1970. I expanded the teacher ratio guideline set forth in *Singleton* because of availability and certification requirements at the elementary, junior high and senior high levels. The school system is to be broken down into three levels—grades 1-6, 7-9, 10-12. The ratio in a school on a particular level is to correspond with the ratio of black to white teachers in all schools on that level. The varying requirements for teachers on these different levels and their availability dictates such an expansion.

This plan was filed before me on January 13, 1970 and a hearing was held on January 21 to consider objections to that plan. The only objection filed was that of the Dade County Classroom Teachers Association, representing 75% of the teachers in this school system. The CTA urged that the plan prepared by the Florida Desegregation Center which follows precisely the ratios of *Singleton*, as modified by me, be approved. Evidence was presented at that time concerning the desirability of deviation up to 30% in certain schools from the *Singleton* guidelines. I am not unappreciative of the desire and reasons for continuity in the faculties of individual schools. However, I am bound by the *Singleton* mandate.

I find the plan, insofar as it follows the recommendation of the Florida Desegregation Center, in conformity with *Singleton* and, with the exception of two schools, approve such plan and order that it shall be accomplished as of February 9. The two schools excepted are Olinda and Arcola Park Elementary. In these schools special teacher training programs exist which warrant their exclusion from the black/white teacher ratio required of all other elementary schools. These programs will terminate at the end of this summer and beginning in September, 1970 these two schools will conform to the required teacher ratio.

The Court finds that it is imperative that the school system be closed to pupils from February 3 thru 6, 1970 for the purpose of conducting a human relations and orientation program directly affecting those teachers transferred.

Therefore, it is

ORDERED AND ADJUDGED that those days shall be considered to have the same number of pupils in attendance, absent, and in membership as on Wednesday, January 7, 1970, the last day of the fourth attendance reporting period, and that all State funds shall be distributed under the Minimum Foundation Program as though that number of children were in full attendance and membership in the Dade County Schools.

This plan now being the order of this Court all persons are enjoined from attack upon or interference in any way with the operation of such except by appellate review.

Also before the Court at this time is a motion by intervenors Alice Love, Carswell Washington, and Margaret Washington for immediate pupil desegregation in the Dade County School System. Joining as Amicus is the American Civil Liberties Union. This motion is based upon the recent decision of the United States Supreme Court in *Carter v. West Feliciana Parish School Board*, No. 944, and related cases, entered January 14, 1970. A hearing was held on January 22, 1970 on this motion, at which time this Court heard argument from all concerned parties as to the advisability of such immediate desegregation. Certain evidence was also offered by way of proffer at this time.

It is my decision that ordering total pupil desegregation by February 1, March 1 or any time prior to the opening of school in September of 1970 is not physically possible under the circumstances herein delineated. The evidence before me is that the only pupil desegregation plan which is available for implementation is that which

is to be filed by the School Board on February 1 in accordance with my order of August 29. This plan, in addition to being geared to September 1, 1970 implementation, provides that 21 schools in Dade County will have all-black student bodies. While this is a reduction from 38 all-black schools provided for in the interim plan now in operation, I do not find that such plan would meet the constitutional standard of a unitary school system as defined by the Fifth Circuit Court of Appeals in *Adams v. Mathews*, 403 F.2d 181 (5th Cir. 1968). The plan proposed is no more than another interim step in Dade County's progress toward a unitary school system. For this reason I find that disruption and chaos as reflected by the evidence, should not be visited upon the Dade schools merely to implement an interim plan. There is no plan available to the Court at present which would eliminate the all-black schools and it will unquestionably require substantial time to prepare such a constitutionally acceptable plan. Accordingly the motion of the intervenors is denied.

It is further ordered that the Dade County School Board shall submit a plan to this Court by April 1 which provides for the operation of a unitary school system by September, 1970 in accordance with the comments above. In this regard the Court notes the contention of the Classroom Teachers Association of the desirability of having each school operate with a ratio of black to white students equal to the ratio of black to students in the entire school system. Objections to such plan are to be served and filed by April 13, 1970. Hearings on that plan and any objections will commence at 9:30 a.m. on Friday, April 24, 1970.

The Court wishes to call the attention of the parties to the following excerpt from *Singleton* concerning appeals:

> In the event of an appeal or appeals to this court from an order entered as aforesaid in the district courts, such appeal shall be on the original record and the parties are encouraged to appeal on an agreed statement as is provided for in Rule 10(d), Federal Rules of Appellate Procedure, (FRAP). Pursuant to Rule 2, FRAP, the provisions of Rule 4(a) as to the time for filing notice of appeal are suspended and it is ordered that any notice of appeal be filed within fifteen days of the date of entry of the order appealed from and notices of cross-appeal within five days thereafter. The provisions of Rule 11 are suspended and it is ordered that the record be transmitted to this court within fifteen days after filing of the notice of appeal. The provisions of Rule 31 are suspended to the extent that the brief of the appellant shall be filed within fifteen days after the date on which the record is filed and the brief of the appellee shall be filed within ten days after the date on which the brief of appellant is filed. No reply brief shall be filed except upon order of the court. The times set herein may be enlarged by the court upon good cause shown.

ENTERED at Miami, Florida, this 26th day of January, 1970.

/s/ C. CLYDE ATKINS

UNITED STATES DISTRICT JUDGE

* * *

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

No. 69-1020-Civ-CA

Jan. 26, 1970

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that ALICE LOVE, CARSWELL WASHINGTON, and MARGARET WASHINGTON, Intervenors herein, hereby appeals to the United States Court of Appeals for the Fifth Circuit from that part of the Courts order denying intervenors motion for immediate pupil integration, said order having been entered in this action of the 26th day of January, 1970.

MATTHEWS, BRAYNON & MAPP
Attorneys for Plaintiffs
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BY: /s/ James W. Matthews
JAMES W. MATTHEWS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

No. 69-1020-Civ-CA

Appeal Nos. 29039 and 29170

July 15, 1970

AMENDMENT TO NOTICE OF APPEAL

Intervenors, ALICE LOVE, CARSWELL WASHINGTON, and MARGARET WASHINGTON, hereby give Notice of this Amendment to their Notice of Appeal heretofore filed to the United States Court of Appeals for the Fifth Circuit.

The nature of this Amendment is to encompass, and present for review the order entered in the United States District Court for the Southern District of Florida, on the 26th day of June, 1970, by the Honorable C. Clyde Atkins.

The opinion and order appealed from is unconstitutional in that it fails to provide for a single unitary school system in Dade County, Florida.

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BY: /s/ James W. Matthews

JAMES W. MATTHEWS